

WASHINGTON, D.C. 20505

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Legislative Counsel

OLC 79-2082/d

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

Enclosed for your information is a copy of the proposed Central Intelligence Agency and Intelligence Community Legislative Program for the Second Session of the 96th Congress. In accordance with Office of Management and Budget Circular No. A-19, revised, the Program has been submitted by the Director of Central Intelligence as part of the consolidated National Foreign Intelligence Program budget.

Sincerely,

SIGNED

Frederick P. Hitz

Enclosure

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CENTRAL INTELLIGENCE AGENCY

AND

INTELLIGENCE COMMUNITY

PROPOSED LEGISLATIVE PROGRAM FOR THE SECOND SESSION
OF THE 96th CONGRESS

PART I -- PRESIDENT'S PROGRAM PROPOSALS

96/2 - 1: Safeguarding of Intelligence Capabilities
Legislation

This proposal encompasses three legislative initiatives designed to implement the President's expressed determination to "increase our efforts to guard against damage to our crucial intelligence sources and our methods of collection, without impairing civil and constitutional rights."

A. Protection of Intelligence Identities

Draft legislation to provide criminal penalties for the unauthorized disclosure of information identifying certain individuals engaged or assisting in foreign intelligence activities was forwarded to the Office of Management and Budget by the Director of Central Intelligence (DCI) on 13 July 1979 and awaits Administration clearance. Meanwhile, the entire membership of the House Permanent Select Committee on Intelligence (HPSCI) has introduced the "Intelligence Identities Protection Act of 1979" (H.R. 5615), which is a carefully drafted and narrowly drawn Bill containing elements similar to the DCI's proposal. The Committee plans to hold hearings on the Bill early in 1980.

B. Freedom of Information Legislation

The DCI's proposal to amend Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) so as to place certain designated Intelligence Community files outside the search and review provisions of the Freedom of Information Act was forwarded to the Office of Management and Budget on 13 August 1979 and awaits Administration clearance. The House Permanent Select Committee on Intelligence has already held hearings on this issue, and Section 2 of H.R. 5129 is similar to the DCI's proposal. The House Government Operations Subcommittee on Government Information and Individual Rights plans to hold hearings late in 1979 or early in 1980.

C. "Graymail" Legislation

The "Classified Information Procedures Act" establishes protective rules governing the use of classified information in connection with espionage and other criminal cases. The HPSCI Subcommittee on Legislation will mark up H.R. 4745 (the Administration's Bill) and H.R. 4746 (the Committee's Bill) late in 1979. The legislation is also pending in the House and Senate Judiciary Committees.

96/2 - 2: Intelligence Charter Legislation

Reintroduction of Charter Legislation (S. 2525 in the 95th Congress) is dependent upon the outcome of ongoing negotiations between the Administration and the Senate Select Committee on Intelligence. The Director of Central Intelligence continues to support the Administration's commitment to cooperate with the Congress in this area.

PART II -- OTHER PROPOSALS

96/2 - 3: Fiscal Year 1981 Intelligence Authorization Bill

Annual authorization of appropriations for the National Foreign Intelligence Program has now become institutionalized. The problem which arose in FY 1979 with regard to the classified annex to the joint explanatory statement of the Committee of Conference was satisfactorily remedied in the FY 1980 Act by the use of a separate classified "Schedule of Authorizations," which accompanies the Conference Report and lists the amounts authorized to be appropriated. The DCI will shortly submit to the Office of Management and Budget a proposed Fiscal Year 1981 Intelligence Authorization Bill for transmittal to the Congress.

96/2 - 4: Death Gratuity Legislation

This Administration-approved proposal to provide a death gratuity benefit to the survivors of intelligence officers killed overseas as a result of hostile or terrorist activity, or in connection with an intelligence activity having a substantial element of risk, has been introduced in both the House (H.R. 5666) and the Senate (S. 1930) with strong bipartisan support.

96/2 - 5: Intelligence Personnel Protection Act

This proposal to provide criminal penalties for threats or actual acts of violence against CIA personnel or persons for whose security the Agency is responsible was forwarded to the Office of Management and Budget on 10 October 1979 and awaits Administration clearance.

96/2 - 6: CIA Firearms Authority

Hearings on this Administration-approved amendment to Section 5(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) were held by the House Permanent Select Committee on Intelligence during its consideration of the FY 1980 Intelligence Authorization Bill. The amendment is designed to enhance the DCI's ability to fulfill his statutory responsibility for the protection of intelligence sources and methods.

96/2 - 7: Senior Intelligence Services for the National Security and Defense Intelligence Agencies

NSA's proposal for statutory authority to create a Senior Executive Service-type Senior Service has been approved and forwarded to the Congress. DIA's proposal awaits Administration clearance.

EXPIRING LAWS - CENTRAL INTELLIGENCE AGENCY

P.L. 96-100, the "Intelligence and Intelligence-Related Activities Authorization Act for Fiscal Year 1980" will expire on 30 September 1980. The Law should be extended via enactment of a Fiscal Year 1981 Intelligence Authorization. See item 96/2 - 3 in Part II of the Central Intelligence Agency and Intelligence Community Proposed Legislative Program for the Second Session of the 96th Congress.